

**IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT
OF WEST VIRGINIA, AT MARTINSBURG**

DALE BERNARD BEARD, JR.,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:23-CV-193
HONORABLE GINA GROH**

**DANIEL E. SMITH, individually
ADAM ALBAUGH, individually,**

Defendants.

NOTICE OF BONA FIDE DEFENSE

In accordance with Rule 12(a) of the West Virginia Rules of Civil Procedure, you are hereby notified that Daniel E. Smith and Adam Albaugh hereby asserts a bona fide defense to the allegations made against them in the Plaintiff's Complaint.

Therefore, an appropriate responsive pleading will be served on Plaintiff on or before the expiration of thirty (30) days from the date service pursuant to West Virginia Code.

**Defendants, Daniel E. Smith and
Adam Albaugh,
By Counsel:**

/s/ Keith C. Gamble

Keith C. Gamble, WV State Bar No. 7971

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CERTIFICATE OF SERVICE

The undersigned, counsel of record for Defendant, does hereby certify on this 18th day of September, 2023, that a true copy of the foregoing “**NOTICE OF BONA FIDE DEFENSE**” was filed and served via the CM/ECF filing system, as follows:

John H. Bryan, Esquire
Law Office of John H. Bryan
411 Main St.
P.O. Box 366
Union, WV 24983

/s/ Keith C. Gamble
Keith C. Gamble, WV State Bar No. 7971

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